

Subject: Sheldon Marsh ,Barnes Nursery Comment
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Fri, 6 Dec 2002 16:22:48 EST
From: <Pskherarts1@aol.com>
To: barnesnursery.comments@noaa.gov

Dear Molly Holt,
Attached is our letter from Friends of Sheldon Marsh asking you to support the ODNR denial of the Barnes Nursery appeal of the coastal consistency.
Pat Krebs and Pat Dwight
Firelands Audubon co-chairs of Friends of Sheldon Marsh
Post Office Box 967 Sandusky Ohio 44870
419 433-2132 pskherarts1@aol.com or pdwight511@aol.com

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\par Dear Secretary of Commerce,
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We the Friends of Sheldon Marsh a committee of Firelands Audubon Society of Erie and
Huron counties of Ohio, ask you to support the Ohio Department of Natural Resources

Coastal Zone Management Program\quote s }{\b\f27 DENIAL }\f27
of Barnes Nursery coastal consistency in the issue of the dike and channel dug in the
Sheldon Marsh wetlands complex.

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\par Sheldon Marsh, now a State Nature Preserve, was designated as such due in part to
the work of Firelands Audubon founding members Dean Shel
don John Blawie, and Glen Bernhardt who did the scientific plant and animal
Firelands Audubon has for thirty years used this wonderful and rare
conditioning barrier beach, lagoons coastal wetlands as a bird watching and
studies. Fire

he migrating neo-tropical songbirds, shorebirds, waterfowl, eagles,
butterflies all use this territory for nesting, foraging and stopover
ing Lake Erie. The piping plover endangered species habitat is

and many listed and threatened species are found. This wetlands has been designated
an "Important Bird Area" by the National Audubon Society. This outstanding category
III wetlands is one of few left intact in our state before the dike and channel were
improperly dug in July 2000.

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\par There is }\b\f27 NO national interest}\f27 furthered by this illegal dredge
and fill in a quality wetland. In fact, it violates the clean water act. The Army
Corps of Engineers (ACE) was wrong to issue a NWP27 permit for enhancement of a w
etland that was not degraded. The permit showed a map with '93irrigation
channel\ '94

labeled but titled deep-water habitat and waterfowl nesting islands. This permit
applied for one day and issued the next allowed no time for public scrutiny, and then
circumv

ented all authorizing federal, state and local agencies specifically required on the
ACE permitting letter. We feel the citizens of Ohio, who own the State Nature
Preserve, were denied our due process of the laws in place to protect wetlands. The
illega

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east/ west dike and channel were dug 35 feet wider than the improper ACE permit
specified. This width matches the north/south channel on Barnes property, which was
constructed well in advance of the dike project and also has no permits. How can
these a

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tivities be consistent with the coastal zone management plans of Ohio when there was
never a Coastal Consistency Agreement signed by Barnes? When this construction began
(during the growing season of 2000 without silt fence, concern for spawning fish, pl
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nt growth, sedimentation or turbidity and disruption of endangered species habitats)
we questioned the ACE and were told to get information through FOIA while the work
continued. At this point with public outrage and Agency involvement, the
construction

w
as stopped. The FOIA information we received included ACE threats of legal action
against citizens, shred letters to US Fish and Wildlife, and lost computer records of
meetings held. The authorizations of the limited partners, CCCMB, named on the permit
were not available until October 2000 with one party denying participation, and
withdrawing permission to channel through their easement. The ACE attempted
compliance but withdrew the permit as '93issued in error\ '94

in January 2001. The ACE continued their environmentally unfriendly efforts by
acting as an applicant advocate offering, '93to work with you\ '94

through the 404 after-the-fact permit for the existing oversized, illegal project.
We still feel the Army Corps' discounting of 1200 comments against this pro
ject and the granting of a provisional 404 permit while there was an ODNR Coastal
Consistency denial on the table was inappropriate. The ACE\quote s granting of the
provisional permit the day before the Ohio EPA\quote
s public hearing on the water quality 401 permit
application was also questionable. It is not in the national interest to have the
Army Corps of Engineers allow wetlands degrading projects like this set a precedent

for undermining our protective wetlands laws. Please uphold the State's coastal consistency denial and look into the ACE's permitting procedures especially at the Buffalo Corps District office.

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\par }\pard \ql \li0\ri-360\nowidctlpar\faauto\rin-360\lin0\itap0 {\f27 The adverse coastal effects are numerous. The many scientists who wrote the EPA Coastal Guidelines and the state and federal biologists, scientists, and authorities have letters and documents on file attesting to the many reasons this and similar incursions into our few remaining wetlands are a danger. No plethora of reports by the appellant's hired consultants can change this. One private business should not rewrite the laws for their own benefit. We must all be stewards of the land and environment, and then work within our laws. Barnes Nursery's business decisions must consider the conditions the marsh and natural science have put on us all. T

heir historic use of water was for a much smaller number of acres and fewer gallons per day of pumped water. Their original water channel was in another location. The lake level fluctuations affecting the marsh waters are uncontrollable and do not give a

uthority to one individual to re-direct water to only their cause, depleting the rest of the complex and changing hydrology. Coastal consistency alternatives do exist even though Barnes is resistant to the purchase of supplemental waters, new technology,

deeper wells, buried pipelines, re-constructing retaining ponds and movement of stock in low lake level times.

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\par Ohio's federal legislators, Senator George Voinovich, Senator Mike DeWine and Representative Marcy Kaptur are working to establish a National Wildlife Refuge in Lake Erie

s Western Basin, and thus support the increasing national value of our natural coastal ecosystems. Sheldon Marsh in Sandusky Bay is the eastern most point of this area and must be protected and restored to its original condition){\b\f27 now.){\f27

Internationally, this area and refuge includes concerns from Canada and their coastal programs. Members of Firelands Audubon Friends of Sheldon Marsh are also working with the Belize Audubon Society in a program, '93Birds with Two Countries\'94

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ve managers and teachers from Belize have visited this preserve to study the neo-tropical birds we share, and then present this information to schoolchildren in both countries. We need Sheldon Marsh State Nature Preserve to remain naturally functioning,

and without human interventions, such as this dike and channel, so we can all continue to study and enjoy this rich, valuable, public natural resource.

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\par Friends of Sheldon Marsh

\par Co chairs Pat Dwight and Pat Krebs

\par Post Office Box 967, Sandusky, Ohio 44870

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